

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	8:07CR204
	)	
v.	)	
	)	
ERIC BAIRD,	)	ORDER
	)	
Defendant.	)	
_____	)	

This matter is before the court on the defendant's motion for Early Termination of Supervised Release. Filing No. 65. The court heard argument and received evidence at a September 6, 2012 hearing. The parties also submitted briefing. The court additionally received a report for the United States Probation Office recommending continued supervision for the Defendant. After considering the briefs, law, evidence and argument the court finds that the defendant's motion for early termination should be denied.

In the course of his supervision, but mostly in the beginning, the defendant tested the limits of his supervision. However, he has not violated the terms of his supervision. He is employed, has family responsibilities and has completed his treatment. He is subject to the reporting requirements of SORNA. He also has successfully completed over half of his term of supervision. He argues that he is not a risk for any further law violation and should be successfully terminated from supervision.

The Government objects to the defendant's early release. The objection is supported by the United States Probation Office and the guidelines promulgated by the United States Sentencing Commission. The Commission does not recommend early termination for sex offenders, Volume 8, Part E, Chapter 3. The Government and the Probation Office argue that there is considerable evidence that sex offenders such as the defendant recidivate. To control that tendency they argue that further supervision is warranted.

The court is not convinced that there is sufficient scientific evidence to support the government's conclusion that the defendant represents a substantial risk to commit another sex offense. However, the scientific evidence is not sufficiently settled in this area to persuade the court that supervision should be terminated before the five year minimum set by Congress and the Sentencing Commission.

**THEREFORE, IT IS ORDERED THAT** the defendants motion for Early Termination of Supervised Release, Filing No. 65, is denied.

DATED this 11<sup>th</sup> day of September, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge